

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:18-cr-0128-TWP-TAB
	)	
DEVONTAY L. CROWE,	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On September 1, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 7, 2021. Defendant Crowe appeared in person with his retained counsel John Tompkins. The government appeared by Lawrence Hilton, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Angela Smith.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Crowe of his rights and provided him with a copy of the petition. Defendant Crowe orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Crowe admitted violation numbers 1, and 2. [Docket No. 63.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

**1            “You must not commit another federal, state, or local crime.”**

On July 2, 2020, Devontay Crowe was charged via Criminal Complaint (1:20-mj-533) under 18 U.S.C 922(g)(1) with Previously Convicted Felon in Possession of a Firearm.

On July 1, 2020, an officer with the Indianapolis Metropolitan Police Department (IMPD) attempted to perform a traffic stop on a vehicle driven by Mr. Crowe. The offender failed to stop, and fled at a high rate of speed eventually crashing his vehicle. Upon contact with Mr. Crowe, the IMPD officer witnessed him throw a Smith & Wesson, model SD40VE, .40 caliber, semi-automatic pistol from the vehicle.

**2            “You must refrain from any unlawful use of a controlled substance.”**

As previously reported to the Court, on April 29, 2020, Mr. Crowe submitted a urine sample which tested positive for Cannabinoids. He admitted smoking marijuana.

**4.        The parties stipulated that:**

- (a)        The highest grade of violation is a Grade B violation.
- (b)        Defendant’s criminal history category is II.
- (c)        The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months’ imprisonment.

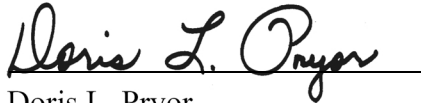
5.        The government recommended a sentence of at the high end of the guidelines to be served consecutively to the sentence issued under 1:20-cr-0168-JRS-DLP-1. Defendant’s counsel argued for a lesser sentence.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of six (6) months with no supervised release to

follow. This sentence is to be served consecutively to the sentence issued under 1:20-cr-0168-JRS-DLP-1. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 9/3/2021

  
Doris L. Pryor  
United States Magistrate Judge  
Southern District of Indiana

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